IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 22049 of 2004

Between:

Gulam Dastagir Khan, S/o. Gul Hussain Khan,
R/o. Baboolgaon Village, Jukkal Mandal, Nizamabad District.

..... PETITIONER

AND

1 The Government of A.P., rep by its Secretary, Home Department, Secretariat, Hyderabad.
2 The Director General of Police, Hyderabad.
3 The Superintendent of Police, Hyderabad.
4 The Superintendent of Police, Nizamabad.
5 The C.I. of Police, Narayankhed, Medak District.
6 The S.I. of Police, Kenkti P.S., Medak District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more in the nature of writ of Habeas Corpus to produce the son of the petitioner Viz. Majeed Khan, aged 25 years, R/o. Baboolgaon Vg., Jukkal Mandal, Nizamabad District before this Hon'ble court and RELEASE HIM FORTHWITH who was taken into illegal customs by the 5th and 6th respondents on 25-11-2004 at 9 AM from his residence situated at Boboolgaon vg., Jukkal(M), Nizamabad District and also to direct the Hon'ble District and Sessions Judge, Nizamabad District or the Hon'ble District & Sessions Judge, Medak at Sangareddy to cause an equiry with regard to the truth or otherwise of the allegation smade by the petitioner in this writ petition and also to direct the respondents 1 to 4 herein to take appropriate legal action against the police officials concerned those

who are responsible for illegal arrest and detention of the petitioner's son and also to direct the respondents to pay a sum of 50,000/- to the detenue towards compensation for his wrongful confinment by the police and pass

Counsel for the Petitioner:MR.V.RAVI KIRAN RAO

Counsel for the Respondent No.: THE ADVOCATE GENERAL

The Court made the following :

Order: (per Sri BN.J)

Learned counsel for the petitioner submits that the detenu has already been released after the writ petition was filed. He submits that in the counter it has been stated that the detenu was never arrested, which was not a fact. He was arrested, beaten and tortured and then after the writ petition was filed, he was released.

Since the detenu is not in the custody as on today, we do not think that any further orders are necessary in this writ petition. However, if the detenu is aggrieved of the alleged detention and torture, he is at liberty to seek appropriate remedy.

22..12..2004

msv.